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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/524,205	03/13/2000	Gilbert Allan Segal	POPT-0002	7194

7590

06/27/2002

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EXAMINER

AKERS, GEOFFREY R

ART UNIT

PAPER NUMBER

3624

DATE MAILED: 06/27/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

69/524 205

Applicant(s)

Seasl

Examiner

Akan, g

Group Art Unit

3624

—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

## Status

- ☒ Responsive to communication(s) filed on 3/13/00
- ☐ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- ☒ Claim(s) 21-89 is/are pending in the application.
- Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- ☒ Claim(s) 21-89 is/are rejected.
- ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- ☐ Claim(s) \_\_\_\_\_ are subject to restriction or election requirement.

## Application Papers

- ☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.
- ☒ The specification is objected to by the Examiner.
- ☒ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119 (a)-(d)

- ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
  - ☐ All ☐ Some\* ☐ None of the CERTIFIED copies of the priority documents have been received.
  - ☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_.
  - ☐ received in this national stage application from the International Bureau (PCT Rule 1.7.2(a)).

\*Certified copies not received: \_\_\_\_\_

## Attachment(s)

- ☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_
- ☐ Interview Summary, PTO-413
- ☒ Notice of Reference(s) Cited, PTO-892
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Other \_\_\_\_\_

Office Action Summary

Art Unit: 3624

### **DETAILED ACTION**

1. Claims 21-89 have been examined.

#### ***Oath/Declaration***

2. The oath is not in permanent ink, or its equivalent in quality, as required under 37 CFR 1.52(a).

The oath/declaration is not executed at all. It must be signed by both inventors in the application.

#### ***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 21-89 are rejected under 35 USC 112(2nd paragraph) for failure to specifically define and distinctly claim what applicant regards is the invention. The claims are too broad to delineate the precise nature of the disclosure.

#### ***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 21,44-45,57-58,65,81 are rejected under 35 USC 103(a) as unpatentable over

O'Shaughnessy(US Pat. 6,317,726) in view of Black(US Pat. No: 6,012,042) and further in view of Melnikoff(US Pat. No: 5,784,696).

Art Unit: 3624

7. As per independent claims 21,44-45,57-58,65,81 O'Shaughnessy teaches a method of identifying financial instruments meeting predetermined criteria(Abstract)(entire document)\ consisting of retrieving data from at least one data source(Fig 1/1-1)(Fig 2/2-1)(Fig 3/3-1)(Fig 4/4-1)(Fig 5/5-1)(Fig 12) and processing the financial instrument data to identify values for a set of searchable parameters corresponding to the predetermined investment criteria for particular financial instruments included in the financial instrument data(Fig 1/1-2/1-4/1-6/1-10/1-8/1-12)(Fig 2/2-2/2-4/2-6/2-12/2-14)(Figs 3-5). O'Shaughnessy does not specifically teach accepting user defined search criteria for the searchable parameters. Black teaches this(col 4 lines 1-7). It would have been obvious to one skilled in the art at the time of the invention to combine O'Shaughnessy in view of Black to teach the above. The motivation to combine is to teach an improved securities analysis system incorporating fundamental and technical methodology from which to select stocks as enunciated by Black(col 2 lines 42-67). O'Shaughnessy does not specifically teach searching the values identified from the set of searchable parameters for values matching the user defined criteria. Melnikoff teaches this(Abstract)(col 5 line 63-col 6 line 3). O'Shaughnessy does not specifically teach identifying a set of financial instruments corresponding to values for the searchable parameters matching the user-defined search criteria. Melnikoff teaches this(col 5 line 31-col 6 line 40). It would have been obvious to one skilled in the art at the time of the invention to combine O'Shaughnessy in view of Black and further in view of Melnikoff to teach the above. The motivation to combine Melnikoff in view of O'Shaughnessy and in view of Black is to teach a method for selection of groupings of securities

Art Unit: 3624

based on risk definition and measurement as enunciated by Melnikoff(col 5 lines 25-37)(col 5 line 63-col 6 line 3).

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8. Claims 22-44,46-56,59-64,66-80,82-89 are rejected under 35 USC 103(a) as unpatentable over O'Shaughnessy(US Pat. 6,317,726) in view of Black(US Pat. No: 6,012,042) in view of Melnikoff(US Pat. No: 5,784,696) and further in view of Lange(US Pat. No: 6,321,212).

9. As per dependent claims, 22-44,46-56,59-64,66-80,82-89 O'Shaughnessy teaches the trading of stocks(Abstract)(Figs 1-12) as well as bonds(Fig 17/17-2)(col 32 lines 18-30). O'Shaughnessy does not specifically teach the trading of derivatives and commodities. Lange teaches the trading of commodities(Abstract) and derivatives(Abstract) including options(col 7 lines 32-55) utilizing the Internet(Fig 1/140) which incorporates bid-offer spread(col 3 lines 5-10).However, O'Shaughnessey does teach stock volatility(col 11 lines 15-27)(col 12 lines 58-67) and Black teaches trading volume(Fig 1/12)(col 4 lines 20-32).It would have been obvious to one skilled in the art at the time of the invention to combine O'Shaughnessy in view of Black and further in view of Melnikoff to teach the above. The motivation to combine Melnikoff in view of O'Shaughnessy and in view of Black is to teach a method for selection of groupings of securities based on risk definition and measurement as enunciated by Melnikoff(col 5 lines 25-37)(col 5 line 63-col 6 line 3).Finally, it would have been obvious to one skilled in the art at the time of the invention to combine O'Shaughnessy in view of Black in view of Melnikoff and further in view of

Art Unit: 3624

Lange to teach the above. The motivation to combine is to teach a computer-implemented system for conducting demand-based trading as enunciated by Lange(col 10 lines 43-44).

*Conclusion*

9. **THIS ACTION IS MADE NON FINAL.**

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10. Any questions concerning this communication should be addressed to the examiner of record, Dr. Geoffrey Akers, P.E., who can be reached between 6:30 AM and 5:00 PM Monday through Friday at 703-306-5844. If attempts to contact the examiner are unsuccessful, the examiner's superior, Mr. Vincent Millin, SPE, may be telephoned at (703)-308-1065.

The fax number for Formal or Official faxes and Draft or Informal faxes to Technology Center 3600 or this Art Unit is (703)-308-3687. Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703)-308-1113.

GRA

June 22, 2002